

# EXHIBIT B

STATE OF NEW HAMPSHIRE

COOS, SS.

SUPERIOR COURT

Czeslaw M. Pyzik

v.

Omni Mount Washington LLC dba Omni Resorts Mount Washington Hotel

**COMPLAINT**

**JURY TRIAL REQUESTED**

Plaintiff Czeslaw M. Pyzik, by and through his attorneys, Nixon, Vogelmann, Slawsky and Simoneau, P.A., with offices at 77 Central Street, Manchester, New Hampshire 03101, complains against the Defendant as set forth below.

**PARTIES**

1. Plaintiff Czeslaw M. Pyzik resides at 24 Mayflower Drive, Milford, Connecticut 06460.
2. Defendant Omni Mount Washington, LLC is a foreign limited liability company registered to do business in the State of New Hampshire. Its principal office address of 4001 Maple Avenue, Suite 600 Dallas, Texas 75219 and its Registered Agent is Corporation Services Company, 10 Ferry Street S313, Concord, New Hampshire 03301.
3. Omni Resorts Mount Washington Hotel has a principal place of business at 310 Mount Washington Hotel Road, Bretton Woods, New Hampshire 03575.

**FACTS**

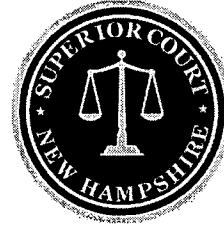
4. The allegations of paragraphs 1-3 are incorporated herein by reference.
5. On January 1, 2016, and at all times material hereto, Defendant Omni Mount Washington, LLC dba Omni Resorts Mount Washington Hotel was the occupier of commercial

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
SUPERIOR COURT**

Coos Superior Court  
55 School St., Suite 301  
Lancaster NH 03584

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

**SUMMONS IN A CIVIL ACTION**



Case Name: **Czeslaw M. Pyzik v Omni Mount Washington LLC**  
Case Number: **214-2018-CV-00152**

Date Complaint Filed: December 27, 2018

A Complaint has been filed against Omni Mount Washington LLC in this Court. A copy of the Complaint is attached.

**The Court ORDERS that ON OR BEFORE:**

February 16, 2019	Czeslaw M. Pyzik shall have this Summons and the attached Complaint served upon Omni Mount Washington LLC by in hand or by leaving a copy at his/her abode, or by such other service as is allowed by law.
March 09, 2019	Czeslaw M. Pyzik shall electronically file the return(s) of service with this Court. Failure to do so may result in this action being dismissed without further notice.
30 days after Defendant is served	Omni Mount Washington LLC must electronically file an Appearance and Answer or other responsive pleading form with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.

**Notice to Omni Mount Washington LLC:** If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to:

Kirk C. Simoneau, ESQ

Nixon Vogelmann Slawsky & Simoneau PA 77 Central St  
Manchester NH 03101-2423

Omni Mount Washington LLC

4001 Maple Avenue Suite 600 Dallas TX 75219

**BY ORDER OF THE COURT**

January 02, 2019

David P. Carlson  
Clerk of Court

(126564)

property including the buildings, parking lot and walkways at 310 Mount Washington Hotel Road, Bretton Woods, New Hampshire 03575.

6. On January 1, 2016 at approximately 2:00 p.m., Plaintiff, Czeslaw M. Pyzik, was vacationing at the Omni Resorts Mount Washington Hotel, 310 Mount Washington Hotel Road, Bretton Woods, New Hampshire. As the plaintiff walked along the walkway he slipped and fell on untreated ice, violently to the ground, landing on his left knee.

**COUNT I: NEGLIGENCE**

7. The allegations of paragraphs 1-3 are incorporated herein by reference.

8. It was the duty of the Defendant, Omni Mount Washington LLC dba Omni Resorts Mount Washington Hotel, together with its agents, independent contractors, servants, employees and assigns, as the owner and occupier of the premises to exercise reasonable care under all the circumstances in the maintenance and operation of the commercial property at 310 Mount Washington Hotel Road, Bretton Woods, New Hampshire, to maintain and keep in a reasonably safe condition for those patrons reasonably expected to use them, including the Plaintiff, Czeslaw M. Pyzik.

9. The Defendant Omni Mount Washington LLC dba Omni Resorts Mount Washington Hotel, together with its agents and employees failed to maintain the walkways in a reasonably safe condition by failing to remove ice and/or failing to place sand or salt on those areas; and when the Plaintiff, Czeslaw M. Pyzik, attempted to walk towards the building, he slipped on ice, lost his balance and fell.

10. As a result of the negligent acts and/or omissions of the Defendant, Omni Mount Washington, LLC dba Omni Mount Washington Resort Hotel, its agents and employees as aforesaid, Czeslaw M. Pyzik suffered serious disabling personal injuries, including closed

nondisplaced transverse fracture of the left patella, requiring him to undergo open reduction and internal fixation surgery, whereby he was forced to endure great physical pain and emotional pain and anguish, has been caused expenses and other monetary losses for medical, hospital, and therapeutic care, CAUSING and requiring him to lay out and expend large sums of money for medical care and treatment approximating Eight Thousand Seven Hundred Sixty Nine Dollars and Forty Cents (\$8,769.40).

WHEREFORE, Plaintiff Czeslaw M. Pyzik requests the following relief:

A. Judgment against the Defendant, Omni Mount Washington LLC dba Omni Resorts Mount Washington Hotel, in an amount to be determined, and in the maximum amount applicable, pursuant to the Constitution and the statutory and common law of the State of New Hampshire, as well as the jurisdiction of this Honorable Court; and

B. Such other relief as is just and equitable.

Respectfully submitted,

Czeslaw M. Pyzik

By His Attorneys

NIXON, VOGELMAN,  
SLAWSKY AND SIMONEAU, P.A.

Date: December 27, 2018

By: /s/Kirk C. Simoneau  
Kirk C. Simoneau  
NH Bar # 19291  
77 Central Street  
Manchester, NH 03101  
(603) 669-7070  
ksimoneau@davenixonlaw.com

**Merrimack County Sheriff's Office**

SHERIFF SCOTT E. HILLIARD  
333 Daniel Webster Hwy  
Boscawen, NH 03303  
Phone: 603-796-6600

OMNI MOUNT WASHINGTON LLC  
10 FERRY ST 313  
CONCORD, NH 03301

AFFIDAVIT OF SERVICE

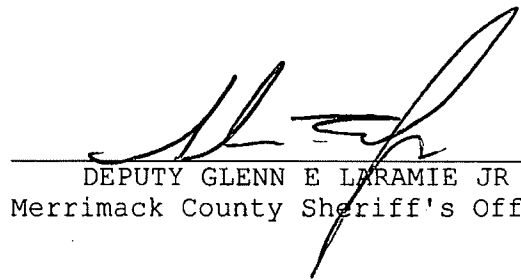
MERRIMACK, SS

1/8/19

I, DEPUTY GLENN E LARAMIE JR, on this date at 2:15 a.m. (p.m.) summoned the within named defendant OMNI MOUNT WASHINGTON LLC as within commanded, by leaving at the office of Registered Agent Corporation Service Company, 10 Ferry Street, Suite 313, Concord, said County and State of New Hampshire, its true and lawful agent for service of process under and by virtue of Chapter 293-A New Hampshire RSA, as amended, a true and attested copy of this Summons and Complaint.

FEES

Service	\$25.00
Postage	1.00
Travel	15.00
TOTAL	<u>\$41.00</u>

  
DEPUTY GLENN E LARAMIE JR  
Merrimack County Sheriff's Office

**A True Copy Attest**

  
Deputy Sheriff